

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PUBLIC HEARING
amendment of ARM 17.38.106) ON PROPOSED AMENDMENT
pertaining to fees for review)
of public water and sewage) (PUBLIC WATER SUPPLY)
system plans and)
specifications

TO: All Concerned Persons

1. On _____, 2004, at ____:00 __.m., the Board of Environmental Review will hold a public hearing [in/at, Montana,] to consider the proposed amendment of the above-stated rule.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., _____, 2004, to advise us of the nature of the accommodation that you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or email ber@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

17.38.106 FEES (1) remains the same.

(2) Fees for review of plans and specifications are based on (2)(a) through (e) and (3). The total fee for the review of a set of plans and specifications is the sum of the fees for the applicable parts or sub-parts listed in these citations. Approval will not be given until fees calculated under this rule have been received by the department.

(a) The fee schedule for designs requiring review for compliance with department Circular DEQ-1, 1999 edition, is set forth in Schedule I, as follows:

SCHEDULE I

Section 3.1 Surface water		
quality and quantity	\$ 100	<u>200</u>
structures	\$ 50	<u>100</u>
Section 3.2 Ground water	\$ 275	<u>600</u>
Section 4.1 Clarification		
standard clarification	\$ 250	<u>500</u>

solid contact units	\$ 500	<u>1,000</u>
Section 4.2 Filtration		
rapid rate	\$ 625	<u>1,250</u>
pressure filtration	\$ 475	<u>950</u>
diatomaceous earth	\$ 475	<u>950</u>
slow sand	\$ 475	<u>950</u>
Section 4.3 Disinfection	\$ 100	<u>400</u>
Section 4.4 Cation exchange softening	\$ 150	<u>500</u>
Section 4.5 Aeration		
natural draft	\$ 100	<u>200</u>
forced draft	\$ 100	<u>200</u>
Section 4.6 Iron and manganese		
control-sequestering	\$ 100	<u>200</u>
Section 4.8 Stabilization		
CO ₂ addition	\$ 150	<u>300</u>
Section 4.9 Taste and odor control		
powdered activated carbon	\$ 100	<u>400</u>
Section 4.11 Waste disposal		
alum sludge	\$ 125	<u>250</u>
lime softening sludge	\$ 125	<u>250</u>
red water waste	\$ 125	<u>250</u>
Chapter 5 Chemical application	\$ 250	<u>700</u>
Chapter 6 Pumping facilities	\$ 200	<u>700</u>
Section 7.1 Plant storage	\$ 175	<u>500</u>
Section 7.2 Hydropneumatic tanks	\$ 50	<u>200</u>
Section 7.3 Distribution storage	\$ 175	<u>500</u>
Chapter 8 Distribution system		
< 1320 lineal feet with standard specs ..	\$ 50	<u>150</u>
< 1320 lineal feet without standard specs	\$ 225	<u>450</u>
> 1320 lineal feet with standard specs ..	\$ 100	<u>300</u>
> 1320 lineal feet without standard specs	\$ 275	<u>600</u>
Main extension certified checklist	\$ 25	<u>100</u>

(b) The fee schedule for designs requiring review for compliance with department Circular DEQ-2, 1999 edition, is set forth in Schedule II, as follows:

SCHEDULE II

Chapter 10 Engineering reports and facility plans, engineering reports (minor)	\$ 75	<u>300</u>
comprehensive facility plan (major)	\$ 500	<u>1,000</u>
Chapter 30 Design of sewers		
< 1320 lineal feet with standard spec ..	\$ 50	<u>150</u>
< 1320 lineal feet without standard spec	\$ 225	<u>450</u>
> 1320 lineal feet with standard spec ..	\$ 100	<u>300</u>
> 1320 lineal feet without standard spec	\$ 275	<u>600</u>
Sewer extension certified checklist	\$ 25	<u>100</u>
Chapter 40 Sewage pumping station		

100 gpm or less	\$ 250	<u>800</u>
greater than 100 gpm	\$ 500	<u>1,200</u>
Chapter 60 Screening grit removal	\$ 500	<u>1,000</u>
Chapter 70 Settling	\$ 400	<u>800</u>
Chapter 80 Sludge handling	\$ 800	<u>1,600</u>
Chapter 90 Biological treatment	\$ 1200	<u>2,400</u>
non-aerated treatment ponds	\$ 400	<u>800</u>
aerated treatment ponds	\$ 700	<u>1,400</u>
Chapter 100 Disinfection	\$ 250	<u>500</u>
Appendices A, B, C & D (per design)	\$ 350	<u>700</u>

(c) The fee schedule for designs requiring review for compliance with department Circular DEQ-4, 2004 edition, is as specified in the fee schedule in ARM 17.36.802 for wastewater disposal systems.

(d) The fee schedule for designs requiring review for compliance with department Circular DEQ-3, 1999 edition, is to be determined under Schedule III, as follows:

SCHEDULE III

Section 3.2 Ground water	\$ 250	<u>600</u>
Chapter 6 Pump facilities	\$ 100	<u>250</u>
<u>Chapter 7 Finished Storage/Hydro-pneumatic tanks...</u>	<u>\$ 200</u>	
Chapter 8 Distribution system	\$ 100	<u>300</u>

(e) The fee schedule for the review of plans and specifications not covered by a specific department design standard but within one of the following categories is to be determined under Schedule IV as follows:

SCHEDULE IV

Hypochlorinators	\$ 50	<u>200</u>
Ozonators up to 10 gpm	\$ 150	<u>300</u>
CT evaluations	\$ 100	<u>200</u>
Reverse osmosis up to 10 gpm	\$ 100	<u>300</u>
Spring box and collection lateral	\$ 100	<u>250</u>
Cartridge/bag filters	\$ 150	<u>300</u>

(3) remains the same.

(4) The fee for review of plans and specifications previously denied, for staff time over two hours, is \$50 per hour, assessed in half-hour increments, multiplied by the time required to review the plans and specifications. The review time applied to each set of plans and specifications must be determined by the review engineer and documented with time sheets. The maximum fee for each review of denied plans and specifications is \$500.

(5) The fee for review of deviations is \$100 per deviation.

(4) and (5) remain the same, but are renumbered (6) and (7).

AUTH: 75-6-108, MCA

IMP: 75-6-108, MCA

REASON: The proposed amendments are necessary to collect fees commensurate with the costs associated with plan and specification review. The policy of the Montana legislature is that the Department collects fees for review work that is equal to the costs associated with doing that review. The Department's failure to do so has been noted in past legislative audits. These amendments and additions are intended to correct that issue. In fiscal year 2004, the Department conducted 425 plan and specification reviews at an estimated cost of \$212,691. Total receipts for fees collected against those reviews equaled \$99,510. The Department is estimating an increase of 20% in plan and specification submissions for fiscal year 2005. The proposed average fee increase of 220% is estimated to generate \$234,497 in fees as opposed to the cost of review estimated at \$225,000.

4. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board of Environmental Review, P.O. Box 200901, Helena, Montana 59620-0901, faxed to (406) 444-4386 or emailed to the Board Secretary at ber@state.mt.us and must be received no later than 5:00 p.m., _____, 2004. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. _____, _____, has been designated to preside over and conduct the hearing.

6. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation;

strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board of Environmental Review, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, emailed to the Board Secretary at ber@state.mt.us, or may be made by completing a request form at any rules hearing held by the Board.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

_____	By:	_____
JAMES M. MADDEN		JOSEPH W. RUSSELL, M.P.H.,
Rule Reviewer		Chairman

Certified to the Secretary of State, _____,
2004.